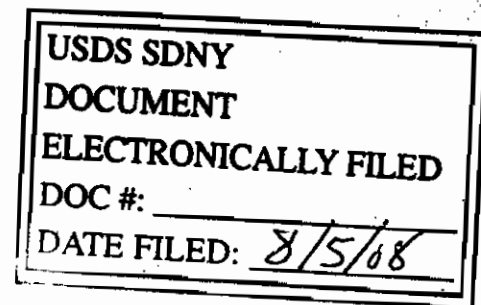


MEMO ENDORSED



THE CITY OF NEW YORK  
LAW DEPARTMENT  
100 CHURCH STREET  
NEW YORK, NY 10007

MICHAEL A. CARDOZO  
Corporation Counsel



ERIC EICHENHOLTZ  
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August 5, 2008

**BY FACSIMILE**

Hon. P. Kevin Castel  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: Issac v. City of New York, et al.  
08 Civ. 3474 (PKC)

Dear Judge Castel:

I am an Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, attorney for defendants City of New York and the New York City Department of Correction (the "City defendants")<sup>1</sup> in the above-referenced action. I write today to respectfully request that the plaintiff be ordered to serve and file an amended complaint on or before August 11, 2008 and, if he does not file an amended complaint, that plaintiff be deemed to have waived his right to amend his complaint. City defendants further request that they be permitted two weeks from the filing of the amended complaint or, if plaintiff does not file an amended complaint, that City defendants be permitted until August 23, 2008 to answer the complaint.

As the Court may recall, at the initial conference held on June 27, 2008, plaintiff's counsel stated that he intended to amend the complaint to remove certain claims that, based on the parties' discussions, were not viable as a matter of law. This Court ordered plaintiff to amend his complaint by July 7, 2008 and granted defendants two weeks (until July 21, 2008) to answer the amended complaint.

Plaintiff failed to amend his complaint by the deadline set by this Court. Since the deadline, I have called plaintiff's counsel six times and have been assured each time that an amended complaint (along with a request to this Court to extend the deadline to amend and

<sup>1</sup> Upon information and belief, DOC Deputy Commissioner Kathleen Coughlin, who is the only individually named defendant in this action, has not yet been served with the summons and complaint and there has been no proof of service filed on the docket sheet.

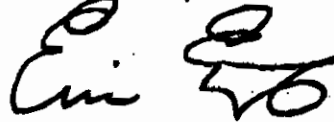
*A my amended  
complaint will be  
deemed untimely unless  
filed by August 22.  
All Defendants time to  
answer extended  
to September 9.  
8-5-08*

answer the amended complaint accordingly) would be forthcoming. However, to date, plaintiff has failed to serve or file any amended complaint.

Therefore, in order to move this case forward, City defendants respectfully request that the plaintiff be ordered to serve and file an amended complaint on or before August 11, 2008 and, if he does not file an amended complaint, that plaintiff be deemed to have waived his right to amend his complaint. City defendants further request that they be permitted two weeks from the filing of the amended complaint or, if plaintiff does not file an amended complaint, that City defendants be permitted until August 23, 2008 to answer the complaint.

Thank you for your consideration herein.

Respectfully submitted,



Eric Eichenholtz  
Assistant Corporation Counsel

cc: Ambrose Wotorson, Esq., Attorney for plaintiff (by facsimile)